

**To:** Johnson, Kathleen[Johnson.Kathleen@epa.gov]  
**From:** Scott, Jeff  
**Sent:** Mon 6/17/2013 8:02:40 PM  
**Subject:** Fw: Exide Bankruptcy

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**From:** Huetteman, Tom  
**Sent:** Monday, June 17, 2013 12:44:56 PM  
**To:** Scott, Jeff; Barhite, Steven  
**Subject:** FW: Exide Bankruptcy

FYI – I didn't know that Exide had filed for bankruptcy

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Tom Huetteman

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U.S. EPA Region 9

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**From:** Newton, Mimi  
**Sent:** Monday, June 17, 2013 12:32 PM  
**To:** McDaniel, Doug; Shaffer, Caleb; Armann, Steve; Huetteman, Tom; Nelson, Cheryl  
**Cc:** Sugerman, Rebecca  
**Subject:** FW: Exide Bankruptcy

Per Lewis Maldonado's message, below – do any of you know of any outstanding RCRA issues that US EPA is involved with pertaining to the Exide Lead Battery Recycling Facility in Vernon, CA (CAD047380084)?

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**From:** Maldonado, Lewis  
**Sent:** Monday, June 17, 2013 11:31 AM  
**To:** Newton, Mimi; Moore, Letitia  
**Cc:** Shaffer, Caleb; Goldsmith, Sara  
**Subject:** RE: Exide Bankruptcy

Mimi -- Thanks for the update on the Exide bankruptcy. This is Exide's second bankruptcy filing. They filed a number of years ago and EPA participated in the bankruptcy in connection with a number of CERCLA-related claims. Region 9 had a claim for the San Gabriel / Puente Valley OU Site (that Dusty worked on at the time and I now work on). We did not assert any claims related to the Vernon facility in the first bankruptcy.

I don't believe Region 9 has any additional CERCLA claims to assert in this second bankruptcy (we received payment on our claims in the first bankruptcy), but I am checking on that. With respect to the Vernon facility, if this is a state-lead RCRA matter, we probably don't need to do a referral for a claim, but if we have an interest in that facility, we may want to monitor the bankruptcy. If there are regulatory violations at Vernon (which it sounds like there are), those are not claims and the State will probably seek to require Exide to come into compliance. If there are penalties, those would need to be filed as a claim. The State may have higher priority administrative claims for any penalties that accrue after the filing of the bankruptcy.

Margarita Padilla is very experienced in bankruptcy matters, so she will be familiar with all these issues.

Let me know if you want to meet to discuss. The one thing I would like confirmation on fairly soon is whether or not EPA has any independent interest or regulatory involvement with the Vernon facility, in addition to the State's involvement.

Thanks.

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**From:** Newton, Mimi  
**Sent:** Monday, June 17, 2013 11:02 AM  
**To:** Moore, Letitia; Maldonado, Lewis  
**Cc:** Shaffer, Caleb  
**Subject:** Exide Bankruptcy

Letitia and Lewis

Caleb and I participated in the Exide Bankruptcy call with State reps and HQ and DOJ this morning. After the call, I spoke with DTSC representative, Jenny Barnes who also participated in the call. According to Jenny, it looks like there are three Exide facilities in California, CAD046000931, CAD047380084 and CAD097854541.

CAD046000931 is the Exide San Francisco Service Center on Lawrence Ave. in So. San Francisco, CA which was apparently clean closed after corrective action.

CAD047380084 is the Exide Visalia facility, which was also apparently clean closed.

Finally, CAD047380084 is the Exide facility in Vernon, CA, which is in interim status (permit appeal apparently pending) and has been the subject of much media attention lately (see below) and apparently was the facility noted in the bankruptcy petition that poses an ongoing hazard (or may pose a hazard?). I haven't seen the actual petition myself.

So, I just wanted to give you both a heads up about the call. I have no background with the Vernon facility myself, or any of the Exide facilities. Let me know if you want me to follow up with the California AG's office on this or do any further coordination on the US's bankruptcy claims. Chrisna Tan coordinated the call at HQ and Alan Tenenbaum was on the line.

Exide Bankruptcy – Vernon, CA articles (in reverse chron order):

Battery maker Exide Technologies files for bankruptcy protection

<http://articles.latimes.com/2013/jun/10/business/la-fi-0611-exide-bankruptcy-20130611>

Exide plant workers and Vernon-area residents square off at meeting

<http://articles.latimes.com/2013/may/31/local/la-me-exide-20130531>

Battery recycler Exide's problems aren't just local

<http://articles.latimes.com/2013/may/29/local/la-me-exide-pollute-20130530>

L.A. council seeks more state oversight of Vernon battery recycler

<http://articles.latimes.com/2013/may/28/local/la-me-exide-20130529>

Vernon Plant Closed Over Toxics

<http://articles.latimes.com/2013/apr/25/local/la-me-exide-arsenic-20130425>

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